(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR [C.G.]

W.P. NO. 3751 /2004

P.R. No. 3750/04 Presented by Shri 06/12/04 Dated 14/12/04

PETITIONER Ghanshyam Sahu S/o Puniram Sahu, aged 54 years, R/o. Village Amlidih, P.S. Jaijaipur, Tah. Sakti, Distt. Janjgir-Champa [C.G.]

VERSUS

RESPONDENTS :-

1. State of Chhattisgarh
Through :- Collector
Distt. Janjgir-Champa [C.G.]

2. The Tahsildar,
Tahsil- Sakti, Distt. Janjgir-Champa C.G.

PETITION U/A 226/2276 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 375/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	20.1.2005 Shri Ravish Verma, counsel for the petitioner. Shri Sanjay S. Agrawal, Govt. Advocate for the State/ respondents. Heard both the counsel. By this writ petition, the petitioner has raised grievance that respondent No.2 is not issuing the domicile certificate in favour of his children. The case of the petitioner is that the children of the petitioner applied for domicile certificate after completion of all the formalities and requisite documents were also submitted before respondent No.2. But, respondent No.2 is not issuing the domicile certificate on the ground that the petitioner's children were educated from the State of Jammu & Kashmir, therefore, they are not eligible for domicile certificate. Whereas, the petitioner's further case is that as per the revenue record (Annexure P-2) and report of the Patwari and Sarpanch of the village (Annexure P-1), the petitioner and his family are originally residents of Village: Amlidih, Tehsil: Malkharouda, District: Janjgir-Champa, and the petitioner is owner of the agricultural field and having continuous possession on it, in his own title along with children's name. Respondent No.2 did not consider to issue domicile certificate and denied to issue the same. The petitioner and his ancestors lived since	

GL PRJ—FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 3751/ **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

years together at Village: Amlidih and having considerable occupation there and had no another home or residence in India, therefore, they are the domicile of the State of Chhattisgarh and they belong to backward class of society. Children of the petitioner are entitled for reservation quota also. The petitioner and his children never acquired the domicile of any other State. Therefore, the respondents be directed to issue domicile certificate.

Learned counsel for the petitioner submitted that no formal order in writing is being passed by respondent No.2 and orally he has refused to give the domicile certificate.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is directed to file necessary documents and application for obtaining the domicile certificate before respondent No.2 within a period of 30 days from today, and in turn, respondent No.2 after considering the application of the petitioner's children shall pass the order in accordance with law, within another 30 days and supply copy of the order to the applicants.

With the direction aforesaid, the petition stands disposed of.

Consequently, I.A.No.7779/2004 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

GRPRJ—FS/350—12/2000—50,000.